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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,764	07/02/2003	James J. Solheid	2316.1785US01	7163
23552	7590	02/28/2005		EXAMINER
MERCHANT & GOULD PC				NASRI, JAVAID H
P.O. BOX 2903				
MINNEAPOLIS, MN 55402-0903			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/613,764	SOLHEID ET AL.	
	Examiner	Art Unit	
	Javaid Nasri	2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 December 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-19 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/6/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the

- a) The adapter configured to optically connect two optical fiber cables terminated with fiber optic connectors, **one cable on a rear side of the adapter and one cable on a front side of the adapter.** Per claims 1 and 12
- b) Optical connector holder panel, per claim 12

Must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

**Note: These are few examples only. Applicant is required to check the drawings and correct them accordingly.**

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

3. Claims 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Solheid et al (6,760,531).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Solheid et al discloses, **for claim 12**, a top, a floor, a pair of opposing sides, a front wall and a rear wall defining an interior, the front including an access door for accessing the interior; a cable management structure; at least one adapter panel including a plurality of openings for mounting fiber optic adapters; at least one adapter mounted within one of the openings in one of the at least one adapter panel, the adapter configured to optically connect two optical fiber cables terminated with fiber optic connectors, one cable on a rear side of the adapter and one cable on a

front side of the adapter; at least one fiber optic connector holder panel including a plurality of openings for mounting fiber optic connector holders; at least one fiber optic connector holder mounted within one of the openings of the at least one connector holder panel, the connector holder including an opening configured to receive a fiber optic connector, inserted longitudinally relative to a connector axis, **for claim 13**, a plurality of the adapters mounted to the adapter panel, a plurality of connector holders mounted to the connector holder panel, and a plurality of fiber optic cables connected to the rear side of each adapter, a rear side of each connector holder opposite the opening configured to be unable to connect to a fiber optic cable, **for claim 14**, a rack mounting structure; a cable management structure; a distribution panel mounted to the rack mounting structure; an adapter panel mounted to the rack mounting structure, the adapter panel including a plurality of adapter openings sized to receive and mount fiber optic adapters for optically connecting optical fibers within fiber optic cables terminated with fiber optic connectors, and a plurality of optical fiber adapters mounted within the openings; a cable connector holder panel mounted to the rack mounting structure, the cable connector panel including a plurality of openings and a plurality of fiber optic connector holders mounted within the openings, each of the fiber optic connector holders configured to receive a fiber optic connector; the cable management structure configured to direct a fiber optic cable from the distribution panel to each of the adapter panel and the cable connector holder panel and to store excess cable length, **for claim 15**, a first panel including an array of connector holders on the panel for selectively receiving a first plurality of connectors in one end of the connector holders, the opposite end of the connector holders configured to not be mateable with any of the connectors; a second panel including an array of adapters on the panel for selectively receiving

the first plurality of connectors in one end of the adapters, the opposite ends of the adapters configured to be mateable with a second plurality of connectors.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being obvious over Solheid et al (6,760,531).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention “by another”; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the reference and the

claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Solheid et al discloses all the structural limitations of claims 16-19 as shown above, however, Solheid et al does not describe the method as claimed. The claimed method language is counter part of the apparatus claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to develop a particular method for the disclosed apparatus of the cited references.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Wheeler (5,497,444, cited in previous office action).

Solheid et al discloses, **for claim 12**, a top, a floor, a pair of opposing sides, a front wall and a rear wall defining an interior, the front including an access door for accessing the interior; a cable management structure; at least one adapter panel including a plurality of openings for mounting fiber optic adapters; at least one adapter mounted within one of the openings in one of the at least one adapter panel, the adapter configured to optically connect two optical fiber cables terminated with fiber optic connectors, one cable on a rear side of the adapter and one cable on a front side of the adapter; at least one fiber optic connector holder panel including a plurality of openings for mounting fiber optic connector holders; at least one fiber optic connector holder mounted within one of the openings of the at least one connector holder panel, the connector holder including an opening configured to receive a fiber optic connector, inserted longitudinally relative to a connector axis, **for claim 13**, a plurality of the adapters mounted to the adapter

panel, a plurality of connector holders mounted to the connector holder panel, and a plurality of fiber optic cables connected to the rear side of each adapter, a rear side of each connector holder opposite the opening configured to be unable to connect to a fiber optic cable, **for claim 14**, a rack mounting structure; a cable management structure; a distribution panel mounted to the rack mounting structure; an adapter panel mounted to the rack mounting structure, the adapter panel including a plurality of adapter openings sized to receive and mount fiber optic adapters for optically connecting optical fibers within fiber optic cables terminated with fiber optic connectors, and a plurality of optical fiber adapters mounted within the openings; a cable connector holder panel mounted to the rack mounting structure, the cable connector panel including a plurality of openings and a plurality of fiber optic connector holders mounted within the openings, each of the fiber optic connector holders configured to receive a fiber optic connector; the cable management structure configured to direct a fiber optic cable from the distribution panel to each of the adapter panel and the cable connector holder panel and to store excess cable length, **for claim 15**, a first panel including an array of connector holders on the panel for selectively receiving a first plurality of connectors in one end of the connector holders, the opposite end of the connector holders configured to not be mateable with any of the connectors; a second panel including an array of adapters on the panel for selectively receiving the first plurality of connectors in one end of the adapters, the opposite ends of the adapters configured to be mateable with a second plurality of connectors.

7. Claims 1, 4 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Roth (6,240,229).

Roth discloses, **for claim 1**, a top, a floor, a pair of opposing sides, a front wall and a rear wall defining an interior, the front including an access door for accessing the interior (it is inherent for a panel); a cable management structure; at least one adapter panel (see abstract) including a plurality of openings for mounting fiber optic adapters; at least one adapter mounted within one of the openings in one of the at least one adapter panel, the adapter configured to optically connect two optical fiber cables terminated with fiber optic connectors, one cable on a rear side of the adapter and one cable on a front side of the adapter; at least one fiber optic connector holder mounted within one of the openings of the at least one adapter panel, the connector holder including a front side an opening configured to receive one of the a fiber optic connectors, the fiber optic connector having a ferrule (74) with a dust cap (26) mounted directly about the ferrule, the front side opening of the fiber optic connector holder accessible from a front side of the adapter panel, **for claim 4**, a first panel including an array of connector holders (16, 34) on the panel for selectively receiving a first plurality of connectors including dust caps (26) fitted about ferrules (74) of the connectors in one end of the connector holders so the first plurality of connectors are optically isolated, the opposite end of the connector holders configured to not be matable with any of the connectors; a second panel (18, 90) including an array of adapters on the panel for selectively receiving the first plurality of connectors with the dust caps removed in one end of the adapters, the opposite ends of the adapters configured to be matable with a second plurality of connectors without dust caps to optically connect connectors of the first plurality with connectors of the second plurality, **for claim 12**, a top, a floor, a pair of opposing sides, a front wall and a rear wall defining an interior, the front including an access door for accessing the interior (inherent for a panel); a cable management structure; at least one adapter panel (16,

34) including a plurality of openings for mounting fiber optic adapters; at least one adapter mounted within one of the openings in one of the at least one adapter panel, the adapter configured to optically connect two optical fiber cables terminated with fiber optic connectors, one cable on a rear side of the adapter and one cable on a front side of the adapter; at least one fiber optic connector holder panel including a plurality of openings for mounting fiber optic connector holders; at least one fiber optic connector holder (18, 90) mounted within one of the openings of the at least one connector holder panel, the connector holder including an opening configured to receive a fiber optic connector, inserted longitudinally relative to a connector axis, **for claim 13**, a plurality of the adapters mounted to the adapter panel, a plurality of connector holders mounted to the connector holder panel, and a plurality of fiber optic cables connected to the rear side of each adapter, a rear side of each connector holder opposite the opening configured to be unable to connect to a fiber optic cable, **for claim 14**, a rack mounting structure; a cable management structure; a distribution panel mounted to the rack mounting structure; an adapter panel mounted to the rack mounting structure, the adapter panel including a plurality of adapter openings sized to receive and mount fiber optic adapters for optically connecting optical fibers within fiber optic cables terminated with fiber optic connectors, and a plurality of optical fiber adapters mounted within the openings; a cable connector holder panel mounted to the rack mounting structure, the cable connector panel including a plurality of openings and a plurality of fiber optic connector holders mounted within the openings, each of the fiber optic connector holders configured to receive a fiber optic connector; the cable management structure configured to direct a fiber optic cable from the distribution panel to each of the adapter panel and the cable connector holder panel and to store excess cable length, **for claim 15**, a first panel (18, 90)

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including an array of connector holders on the panel for selectively receiving a first plurality of connectors in one end of the connector holders, the opposite end of the connector holders configured to not be matable with any of the connectors; a second panel (16, 34) including an array of adapters on the panel for selectively receiving the first plurality of connectors in one end of the adapters, the opposite ends of the adapters configured to be matable with a second plurality of connectors.

8. Claims 5-11 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth.

Roth discloses all the structural limitations of claims 5-11 and 16-19 as shown above, however, Roth does not describe the method of as claimed. The claimed method language is counter part of the apparatus claimed. Therefore, it would have been obvious to one ordinary skill in the art at the time the invention was made to develop a particular method for the disclosed apparatus of the cited references.

9. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth in view of Waldron et al (6,234,683, cited in previous office action).

Roth discloses all the limitations of claims 1, 2 and 3, as shown above,

However, Roth does not disclose,

- a) A ferrule with a polished end face. Waldron et al discloses a ferrule with a polished end face (see col. 9, lines 50-53), therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention for Roth to have a ferrule with a polished end face in view of Waldron et al so as to eliminate environmental contaminants and debris.

***Response to Arguments***

10. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

**Contact**

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javaid Nasri whose telephone number is 571 272 2095. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tulsidas C. Patel can be reached on 571 272 2800 ext 39. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any correspondence to this action may be mailed to:**

**Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450**

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For additional information regarding this new address, which was effective May 1, 2003, see

*Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332*

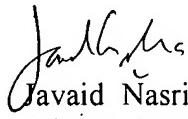
(March 25, 2003).

**Or faxed to:** 703-308-7722 or 308-7724 (informal or draft communications should be clearly labeled "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to:**

**Crystal Plaza 4, Fourth Floor (receptionist)**

**2201 South Clark Place, Arlington, Virginia**

  
Javaid Nasri  
Primary Examiner  
Art Unit 2839

JN  
Jhn  
February 22, 2005